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## **NEWS RELEASE**

**FOR IMMEDIATE RELEASE: May 23, 2005**

**Contact:** San Diego City Attorney's Office: Communications Director Maria Velasquez, 619-235-5725

### **SAN DIEGO SURGEON PROSECUTED FOR MAKING FALSE AND MISLEADING ENDORSEMENT OF *ABENERGIZER* ABDOMINAL MUSCLE STIMULATORS**

**San Diego, CA:** Doctor Michael J. Skyhar, M.D., an Orthopedic Surgeon in San Diego, has been ordered by the Court to pay **\$175,000** in civil penalties and costs and to make a public retraction of his endorsement of the AbEnergizer. The court stayed \$100,000 of this amount so long as all payments are made pursuant to a specific payment schedule.

A news conference was held this morning at the Encinitas medical offices of Dr. Skyhar whereby the media learned of the civil case, brought by the Napa County District Attorney, Solano County District Attorney, Sonoma County District Attorney, and the San Diego City Attorney, which alleged that Dr. Skyhar's endorsement of the AbEnergizer, a misbranded and unapproved medical device, was deceptive.

The AbEnergizer allegedly strengthened and toned the users' muscles by sending electric current into the users' body. Dr. Skyhar magnified the deceptive advertising claims on the Abenergizer packaging by agreeing to place his name and quotes on the AbEnergizer boxes, and Dr. Skyhar played an integral role in the AbEnergizer infomercial aired on television throughout the United States.

This civil prosecution sends the clear message to everyone, especially doctors, media personalities, celebrities and professional athletes that they will be held accountable for any false or misleading endorsements made by them, or attributed to them. Endorsers have an affirmative duty to make sure they do not endorse illegal products or unapproved medical devices. Endorsers also have an affirmative duty to make sure they do not make or have attributed to them any false or misleading statement.

The AbEnergizer is banned for sale in the United States. The prosecution team has successfully forced retailers such as Target, Walgreens and WalMart to collectively pay well over one million dollars into a restitution fund. Consumers may be entitled to a partial or full refund for their purchase of the AbEnergizer. Please call (800) 705-0589 or go to [www.abenergizerrestitution.com](http://www.abenergizerrestitution.com) for more details.

This and other related cases are a result of cooperative efforts among the Federal Trade Commission, State of California Department of Health Services, Food and Drug Branch, Napa County District Attorney, Solano County District Attorney, Sonoma County District Attorney, and the San Diego City Attorney.

State Contacts: Napa County: DDA Daryl Roberts, 707-253-4493; Solano County: DDA Dani Jo Handell, 707-784-6852; and Sonoma County, DDA Mathew Cheever, 707-565-2311

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